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Civil Revision Application No 127 of 96

Date of decision: 05/02/96

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.SHAH

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

VEENABEN DAHYABHAI CHAUHAN,

vs

GUJARAT ELECTRICITY BOARD

Appearance:

MR PK JANI for Petitioner

MR MD PANDYA for Respondent No. 1

Coram : MR.JUSTICE S.D.SHAH

ORAL JUDGEMENT

1. RULE. Mr. M.D. Pandya appears for respondent Board and waives service of Rule. With the consent of the learned advocates appearing for the parties, the matter is finally heard

decided today.

2. This Civil Revision Application is directed against the order passed below Exhibit-19 in Regular Civil Appeal No. 65 of 1993 whereby the application preferred by the petitioner is dismissed. The application was made against the Gujarat Electricity Board for re-connecting the electricity supply which was disconnected. The case of the petitioner was that whatever amount was payable under the disputed bill was paid up by the petitioner and that therefore electricity supply was required to be restored. However, the electricity supply was not restored by the Board on the ground that the consumer was liable to pay the delayed payment charges which would work out to Rs.10,999.47ps as on 30.11.1995. The petitioner is a widow and is not in a position to pay up such amount at a time. Mr. P.K. Jani, learned Counsel appearing for the petitioner submitted before the Court that if some installments are granted, the petitioner would pay such delayed charges. Mr. M.D. Pandya, learned Counsel appearing for the Board has no serious objection if the amount of delayed payment charges is agreed to be paid up and is paid over by the petitioner including the further delayed payment charges upto 31.1.1996 and reconnection charges.

3. In view of the aforesaid, following directions are issued:

"Respondent - Gujarat Electricity Board is directed to re-connect the electricity supply to the petitioner on petitioner agreeing and undertaking before this Court within fifteen days from today in writing to make payment of delayed payment charges of Rs. 10,997.47ps plus delayed payment charges upto 31.1.1996 in installment of Rs.750/- (Rupees seven thousand fifty only) per month till the full amount is exhausted. In case of any default, the respondent Board shall be at liberty to disconnect the electricity supply. The petitioner shall also pay up the amount of reconnection charges."

4. Rule is accordingly made absolute to the aforesaid extent only. No costs
